

cost of the drug based, in whole or in part, upon the published AWP for the drug. Plaintiff asserts claims for unjust enrichment, fraud, civil conspiracy, concert of action, and violations of the New Jersey Consumer Fraud Act. Plaintiff seeks recovery of damages, including, injunctive relief, treble damages, punitive damages and attorney's fees.

Defendants have a variety of defenses to the claims, including, but not limited to, statute of limitations, lack of fraudulent conduct, plaintiff's knowledge of AWP, plaintiff's failure to establish reliance or causation, and the absence of injury on the part of plaintiff and class members. In addition, defendants contend that, because plaintiff is a Taft-Hartley Welfare Fund that is subject to the requirements of ERISA, its claims are preempted.

II. MATTERS TO BE DISCUSSED AT THE RULE 16.1 CONFERENCE

The parties wish to discuss at the Rule 16.1 Conference to be held in this case on April 8, 2005, the following matters:

A. Rectifying the docketing of the case to reflect that it was transferred to this Court by the Joint Panel of Multidistrict Litigation for coordinated and consolidated pretrial proceedings with MDL 1456, *In re Pharmaceutical Industry Average Wholesale Price Litigation*.

B. Scheduling of argument on plaintiff's motion for remand.

III. PROPOSED SCHEDULE

The parties jointly submit the following proposed schedule for this case:

A. Remand Motion. Plaintiff's remand motion was originally filed in the District of New Jersey in July 2003. The parties believe that oral argument would assist the Court in its consideration of plaintiff's motion. Accordingly, the parties jointly request that the Court hear argument on the motion at its earliest convenience. Should the Court determine that additional briefing is desirable after oral argument, the parties will submit such briefing.

B. Further scheduling. Pending a determination on plaintiff's remand motion, further scheduling is premature.

IV. STATEMENT CONCERNING TRIAL BY MAGISTRATE JUDGE

The parties do not consent to trial by a magistrate judge.

V. LOCAL RULE 16.1 CERTIFICATION

The parties are endeavoring to file their respective certifications pursuant to Loc. R. 16.1 as soon as practicable.

April 6, 2005

Respectfully submitted,

ON BEHALF OF PLAINTIFFS:

/s/ TerriAnne Benedetto
Shanin Specter, Esquire
Donald E. Haviland, Jr., Esquire
TerriAnne Benedetto, Esquire
KLINE & SPECTER
1800 Chapel Avenue, Suite 302
Cherry Hill, NJ 08002
856-662-1180 telephone
856-662-1184 facsimile

John E. Keefe, Jr., Esquire
LYNCH ♦ MARTIN
830 Broad Street
Shrewsbury, NJ 07702
732-224-9400 telephone
732-224-9494 facsimile

Attorneys for Plaintiff and the Class

ON BEHALF OF THE SERVED
CORPORATE DEFENDANTS:

/s/ Lucy Fowler
Nicholas C. Theodorou (BBO #496730)
Lucy Fowler (BBO #647929)
Foley Hoag LLP
155 Seaport Boulevard
Boston, MA 02110

D. Scott Wise
Michael Flynn
Davis Polk & Wardwell
450 Lexington Avenue
New York, NY 10017

*Attorneys for AstraZeneca
Pharmaceuticals LP*

CERTIFICATE OF SERVICE

I certify that on April 6, 2005, a true and correct copy of the forgoing Joint Statement Pursuant to Local Rule 16.1 was served on all counsel of record by (a) electronic service pursuant to Paragraph 11 of Case Management Order No. 2 by sending a copy to Verilaw Technologies for posting and notification to parties and (b) overnight mail to counsel for the individual defendants and certain counsel for plaintiff.

/s/ Lucy Fowler

Dated: April 6, 2005

SERVICE LIST

Raymond A. Gill, Jr., Esq.
Gill & Chamas
655 Florida Grove Road
Woodbridge, New Jersey 07095
Counsel for plaintiff

John E. Keefe, Jr.
Lynch, Martin, Kane, Kuper, Keefe & Bartels, LLC
830 Broad Street
Shrewsbury, New Jersey 07702
Counsel for plaintiff

Michael Mustokoff, Esq.
Duane Morris LLP
One Liberty Place, Suite 4200
Philadelphia, Pennsylvania
19103-7396
**Counsel for defendant,
Saad Antoun, M.D.**

Thomas P. McGonigle, Esq.
Duane Morris LLP
1100 North Market Street, Suite 1200
Wilmington, Delaware 19801-1246
**Counsel for defendant,
Sadd Antoun, M.D.**

Jack Fernandez, Esq.
Zuckerman, Spaeder, LLP
101 E. Kennedy Blvd.
Suite 1200
Tampa, Florida 33602
**Counsel for defendant,
Stanley C. Hopkins, M.D.**

Terry K. Sherman, Esq.
52 West Whittier Street
Columbus, Ohio 43206
**Counsel for defendant,
Robert A. Berkman, M.D.**